

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

Coloured covers/
Couverture de couleur

Covers damaged/
Couverture endommagée

Covers restored and/or laminated/
Couverture restaurée et/ou pelliculée

Cover title missing/
Le titre de couverture manque

Coloured maps/
Cartes géographiques en couleur

Coloured ink (i.e. other than blue or black)/
Encre de couleur (i.e. autre que bleue ou noire)

Coloured plates and/or illustrations/
Planches et/ou illustrations en couleur

Bound with other material/
Relié avec d'autres documents

Tight binding may cause shadows or distortion
along interior margin/
La reliure serrée peut causer de l'ombre ou de la
distortion le long de la marge intérieure

Blank leaves added during restoration may appear
within the text. Whenever possible, these have
been omitted from filming/
Il se peut que certaines pages blanches ajoutées
lors d'une restauration apparaissent dans le texte,
mais, lorsque cela était possible, ces pages n'ont
pas été filmées.

Additional comments:/
Commentaires supplémentaires:

This item is filmed at the reduction ratio checked below/
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X

14X

18X

22X

26X

30X

| | | | | | | |
|-----|-----|-----|---|-----|-----|-----|
| 12X | 16X | 20X | J | 24X | 28X | 32X |
|-----|-----|-----|---|-----|-----|-----|

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

Coloured pages/
Pages de couleur

Pages damaged/
Pages endommagées

Pages restored and/or laminated/
Pages restaurées et/ou pelliculées

Pages discoloured, stained or foxed/
Pages décolorées, tachetées ou piquées

Pages detached/
Pages détachées

Showthrough/
Transparence

Quality of print varies/
Qualité inégale de l'impression

Continuous pagination/
Pagination continue

Includes index(es)/
Comprend un (des) index

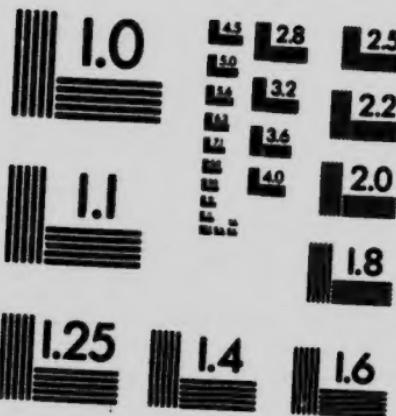
Title on header taken from:/
Le titre de l'en-tête provient:

Title page of issue/
Page de titre de la livraison

Caption of issue/
Titre de départ de la livraison

Masthead/
Générique (périodiques) de la livraison

MICROCOPY RESOLUTION TEST CHART
(ANSI and ISO TEST CHART No. 2)



APPLIED IMAGE Inc

1653 East Main Street
Rochester, New York 14609 USA
(716) 482-0300 - Phone
(716) 288-5989 - Fax

Open - 10 a.m.
Closed - 4 p.m.

FROM THE TRANSACTIONS OF THE ROYAL SOCIETY OF CANADA

SECOND SERIES—1913

VOLUME XXI

With Compliments

OF THE

ONTARIO HISTORICAL SOCIETY

DAVID WILLIAMS

MEMORIAL VOLUME (1772-1913)

Can.

OTTAWA

THE ROYAL SOCIETY OF CANADA

Car. . . . James, Charles C.

• Gift of Head of the Lake
Historical Society

S

SECTION II., 1913

[1]

TRANS. R.S.C.

*David William Smith. A Supplementary Note to the Upper Canada
Election of 1792.*

By C. C. JAMES, C.M.G., LL.D.

Read May 28, 1913.

In May 1902, I presented to the Royal Society of Canada a paper on "The First Legislators of Upper Canada" in which I gave the list of members of the first Legislature, sixteen in all, assigned them to their various constituencies, and appended such dates as were available at the time. In that paper I set down David William Smith as one of the members for the County of Kent, which included the residents of Detroit, and of all the country north and west as far as the uncertain boundaries of the Province extended. His Colleague was William Macomb. Francis or Francois Baby was set down as the member for the adjoining County of Essex (and Suffolk). After the paper had been written and was ready for the printer, an addendum note was attached setting forth the list of members as printed in *The Quebec Magazine* of December, 1792. This list set down David William Smith as member for Essex and Francis Baby and William Macomb as the two members for Kent. The question arises as to whether Smith was returned for Kent, as is generally stated in historical records, or whether he was returned for Essex as reported in *The Quebec Magazine*. In my paper on "The Second Legislature of Upper Canada" printed in the Royal Society Records for 1903, I assigned Smith to Essex, and there I am disposed to leave him for the present. This paper is presented not merely with a view to disposing of that question, if possible, but also to make available some information as to how elections were conducted in the early days. I might add this note, however, that Mr. C. M. Burton, of Detroit, has stated that Smith ran in Essex on the 20th of August, 1792, was defeated and at once was set up in Detroit and elected on the 28th of August, along with Macomb. Smith himself has left on record that he was elected a member of the first Legislature on 27th August, 1792, but unfortunately he failed to state for what riding he was elected. He simply put the record as follows:—"Member of First Canadian Parliament, 27th August, 1792." The three letters that follow bearing date 26th July, 6th August, and 14th August, 1792, are reproduced through the kindness of Mr. C. M. Burton, Detroit, who has the originals in his collection of the Askin papers. It was in the spring of 1792 that the 5th Regiment of Foot

THE ROYAL SOCIETY OF CANADA

was transferred from Detroit to Niagara. John Smith was Major of this Regiment, and his son, David William Smith, was Lieutenant. Smith appointed his old friend, John Askin, of Detroit, as his election agent, and it is to him that the three letters are addressed. The letter of 14th August contains this sentence, which seems to state that the Detroit election came first and that he did not decide to stand for that riding.

"Perhaps I should have done better to have set up for one of the seats in Detroit, as I hear only of Mr. Macomb, who is to be proposed; but I did not then know they would be entitled to vote; besides, were I thrown out on the 20th I might have had a chance on the 28th."

Here follow the letters:—

NIAGARA, 26 July, 1792.

MY DEAR SIR:—The governor's proclamations are arrived, dividing the upper country. The N. county is called Essex, and is bounded on the east by the carrying place from Point au Pins to the river La Tranche (Thames); bounded on the south by Lake Erie, and on the west by the River Detroit to Maisonville's mill; from thence by a line running parallel to the River Detroit and Lake St. Clair, at the distance of four miles, until it reaches the River La Tranche, thence up the said river to where the carrying place from Point au Pins strikes that river. This said county of Essex, with the adjoining county of Suffolk (in which there are no inhabitants) sends one member. Those who have certificates (for lands) only, I understand, can vote. This tract comprehends the new settlers on lake Erie who have generally certificates, Monferton's, company who have none, except they have received them since my departure, and Maisonville's company to the mill; in this last space, there are inhabitants on 12 acres front just above the church, who will vote by reason of their having French deeds "en roture," and those settled on the south side of River La Tranche, a few of whom have certificates, and where I, myself, am a freeholder.

This damned election business seems to bind me to the county, for you know I am not fond of deserting any cause I undertake, and that of the public is most dear to me. Should I be returned without an undue election or the appearance of party or bribery, I shall be most happy, and in that case, I beg an ox be roasted whole on the common, and a barrel of rum to be given to the mob, to wash down the beef. You will draw on me for the amount. I should have great pleasure in helping to frame laws for lands which I have had so much pleasure in laying out. Mr. Pollard, who was appointed sheriff, is returning officer. The writs are issued this day and returnable the 12th September. I depend a good deal on your goodness, favor and affection in this business, and hope I need not make many apologies

3 910936

on that score. As I have begun the canvass, I am determined to go through with it, and should I succeed, I hope to support my character afterwards. We shall not certainly have the province there four years, so that wherever the seat of government may be, or whatever may be the destination of the regt., I make no doubt that I shall be able to attend the Council and assembly early. My having done the settlers' business without emoluments from any quarter, should be some inducement to them, on the score of gratitude, to return me. I rather think it is intended that the people who have French grants on the garrison side should vote; as the description of the county of Kent comprehends a great deal, and sends two members. It is said to contain all the country (not being territories of the Indians), and not already included in Essex and the several other counties described, extending northward to the boundary line of Hudson's bay, including all the territory to the westward and southward of the said line to the utmost extent of the country called or known by the name Canada.

Should candidates to represent this county go a-begging, and you find I have no chance for Essex, I shall be proud to be returned for this county, but as the French people know little of me, I have not any hopes on that score. I am very ill at present, myself, or I would certainly go up to Detroit, but if the people are sincere that is unnecessary, and this will give it a fair trial. You will do me a service by delivering to Mr. Pollard the names of those capable to vote, which you can get from a small register in the land office, marked or rather endorsed, "Certificates granted," and another endorsed "French grants en roture."

If any of Monforton's or Maisonville's company have received certificates since my departure, I will be thankful to you to use your influence with them. Col. McKee has promised me his interest, so has the commodore (Alexander Grant), and I think I may depend on Captain Elliott, George Leith, and a few others. When I wrote you last, it was expected that Grosse Isle, River Raisin and Rouge would have voted with the settlers, but that is not the case.

Jacques Parent, Laurent Parent, Claude Rheaum, Bapt. Le Duc and John Bapt. Hortelle, just above the Huron church (Sandwich), may probably ask for an explanation to my letters to them. They had lands "en roture" formerly granted by Mons. Longueil, and they, of course, have indisputably votes. I have therefore addressed them separately. These are the only French deeds acknowledged by the "Tableau des Terres en roture" on that side of the water.

I am sure you will forgive me for sending so large a paquet to you. The most of them are for the freeholders on Lake Erie, all whose names

THE ROYAL SOCIETY OF CANADA

I could recollect. The others you will have great goodness by putting in train for their destinations. The governor arrived this day.

God assist you prays,

D. W. SMITH.

NIAGARA, 6 August, 1792

MY DEAR SIR,—Your letter which you honored me with gave me great satisfaction. I hope I may not be too much buoyed up with the hopes you give me of succeeding to the election. Your doubts about the right of voting on your side of the water will be removed before this. If, therefore, there is any difficulty in bringing me in for Essex, and one of the Kent seats goes abegging, I should be flattered to be returned for that county. Mr. Baby tells me he wrote to his Brother Francois to set up for Essex. This may perhaps cause some confusion, as the French people no doubt will vote for him; and Capt. Caldwell's interest may perhaps gain him the settlers on Lake Erie. Their sentiments will I hope be sufficiently known beforehand that I may not be set up without chance. Mr. Baby told me, however, that he rather thought Francois would decline setting up, in which case I should have his interest; and at all events, if Francois had made a party previous to his arrival in Essex and was likely to succeed, he would then give me his interest in Kent.

I leave the weight of the transaction on your shoulders, and whatever you do for me therein I shall be perfectly satisfied, and I believe I know you well enough to think you do not require many apologies from me for so much trouble. I will endeavour to repay you in the House of Assembly, if I succeed.

I wrote you in my last in case of success to have an ox roasted on the Common and to give the mob a barrel of rum. Mr. Pollard tells me the hustings will probably be held for Essex somewhere about the River's mouth—this therefore may perhaps be a better site for the beef and rum. I am exceptionally unwell for a long time. I hope, however, to weather through the winter, and should I be elected, I shall pay you a visit in the spring—to be chaired!

The Judge I think while here did not wish to give me any hopes of the French people for very plain and substantial reasons, and for this candid behaviour I am obliged to him, as it has prepared me for the worst. I forgot to tell you that before the Governor arrived he wrote to my father that he adopted all that he had recommended on the score of the land business, which was nearly a counterpart of the Board's Report, so that I hope that everything will go on as smoothly with you there.

We are all excessively happy at the idea of seeing you here. If you make any house at Niagara your hotel other than the Majors, you are not the same John Askin you used to be.

Leith will give me credit for any little sums you may find it necessary to require, such as putting up the hustings, board, cake and wine, Returning Officer's fee, etc., etc.

Love to the good family,

Yours truly,

D. W. SMITH.

MSS. Vol. 2, p. 61, Burton Library.

NIAGARA, 14 August, '92.

MY DEAR SIR:—All the letters I get from Detroit give me favourable hopes, except those I receive from McNiff—they assure me of the Interest and Influence of Messrs. McKee, Macomb, Park, Leith, Sharp, McIntosh, Elliott, Lamothe, McDonnel and several others for Essex.

There is, I understand, however, powerful influence against me. However, if I have fair play, I don't fear, as I am assured that the Settlers on Lake Erie and River La Tranche will vote for me "nemine contradicente," at least these are the words in which their assurances are represented to me.

Perhaps I should have done better to have set up for one of the seats in Detroit, as I hear only of Mr. Macomb, who is to be proposed; but I did not then know they would be entitled to vote; besides were I thrown out on the 20th, I might have had a chance on the 28th. The French people can easily walk to the hustings, but my gentry will require some conveyance; if boats are necessary, you can hire them, and they must not want beef or rum—let them have plenty—and in case of success I leave it to you which you think will be best to give my friends a public dinner, and the ladies a dance, either now, or when I go up, if you think the moment the best time, you will throw open Forsyth's Tavern, and call for the best he can supply. I trust you will feel very Young in the occasions, in the dance, and I wish that Leith and you should push about the bott'ns to the promotion of the settlements on the Detroit. The more broken heads and bloody noses there is, the more election-like—and in case of success (damn that "if"), let the white Ribbon favors be plentifully distributed, to the old, the Young, the Gay, the lame, the cripple and the blind—half a score cord of wood piled hollow, with a tar barrel in the middle, on the commons, some powder, pour tirer and plenty of rum. I am sure you will preside over and do everything that is needful, as far as my circumstances will admit. There must be no want, and I am sure you will have every-

thing handsome and plentiful. Elliot I am sure will give you a large red flag to be hoisted on a pole near the Bon fire, and some blue coloured tape may be sewed on in large letters "ESSEX."

Thus talked the woman when she carried her eggs on her head to market. She sat them, she hatched them, she sold them for a crown apiece, and then down she fell eggs and all, and the anticipations of a warm and fruitful imagination were annihilated in a moment; thus, this is the situation of a disappointed Candidate, who is fed up with hopes from those who wish him well. As I am a little better, nothing prevents my setting off for Detroit immediately but the coming of the Prince. He is to be here about the 25th—my fate is to be determined the 28th.

Leith tells me you have written to me but the opposite party have got hold of the letter because they guessed its contents. Have proper booths erected for my friends at the hustings, employ Forsyth to make large plum cakes with plenty of fruit, etc. Be sure let the wine be good and plenty. Let the peasants have a fiddle, some beverage and beef. If my absence merely should be mentioned as a bar to my election, you may assure the world that if there is time between the return being made and the meeting of the Assembly, I will come up to take the sentiments of the County, and I will annually pay Detroit a visit before I go to the Metropolis to meet the Assembly.

Forgive me, I worry you out. I have quite an election fever. However, it will soon be cooled, and let the determination be as it will, I shall be perfectly satisfied and equally obliged to all my good friends.

God bless you and yours, and believe me unfeignedly, faithfully and affectionately yours,

D. W. SMITH.

MSS. Vol. 475, p. 12, Burton Library.

With the hope of finding some definite information to settle the question as to the riding in which he was elected, I made search through the Smith papers in the Toronto City Library through the courtesy of Dr. Geo. H. Locke, and found a book of accounts and vouchers and herewith reproduce two; one the account of the Returning Officer, Sheriff Pollard; and the other a statement of the candidates' election expenses. These accounts are the sequel to the letters. The Sheriff's account is for the election in Essex. It proves that Smith was a candidate in that riding, but it does not prove necessarily that he was elected. These are the only election accounts for 1792 in the collection, and yet that does not clearly prove that there was none for Detroit. If you would know what the "sundries" are you have only to look up in the same volume (B-4) in the Toronto Library the Election accounts of 1796

and 1800 for the latter are set out in greater detail. Sundries then, as perhaps in more recent elections, meant meals and liquors. The candidates kept open house in the early elections which, as will have been noted continued for a period of several days.

Copy of an account delivered of the Sheriff's Expenses for the election of members for the Counties of Suffolk and Essex.

August 10, 1792.

| | |
|--|----------|
| To cash paid for transport of boards..... | £ 0 10 0 |
| " Sheriff's officer 9 days..... | 3 4 0 |
| " Mildrum and Park for boards..... | 5 19 3 |
| " Henry Botsford making hustings..... | 2 16 0 |
| " 2 clerks 8 days at 37/6..... | 30 0 0 |
| " cash paid a man distributing advertisements, paper, etc..... | 2 0 0 |
| N. Y. Currency..... | £44 9 3 |
| Half Amount David Wm. Smith, Esq..... | £22 9 3 |
| Returning officer as per order..... | 5 12 0 |
| Received of Mr. Askin..... | £28 1 3 |
| | 7 4 9 |
| | £20 6 8 |

Received May 23, 1794, the above balance.

(Sgd. RICHARD POLLARD,

Sheriff.

John Askin for the expenses of the election of Lieut. David William Smith:—
1792.

| | |
|--|----------|
| August 11—To ½ piece green ribbon..... | 16 0 |
| " " ½ piece pink ribbon..... | 18 0 |
| " " 1 Cag spirits, 8 gals..... | 6 8 0 |
| | £ 8 2 0 |
| 18—To 1 piece green ribbon..... | £ 1 12 0 |
| " " 2 pieces pink ribbon..... | 3 12 0 |
| | £ 5 4 0 |
| 24—To 2 gallons spirits..... | £ 1 12 0 |
| " " 1 Cag for ditto..... | 3 0 |
| " " 6 loaves bread..... | 6 0 |
| | £ 2 1 0 |
| " To cash paid Ellem the constable for 4 days' service, and the Ferry's taking letters to inhabitants of new settlements, the 13th inst..... | £ 2 0 0 |
| 27—To 1 bottle rum and 1 loaf to Roch for taking a letter to Mr. Selby..... | £ 7 0 |
| " To 1 ditto and 2 loaves to men going over the river..... | 6 0 |
| | £ 0 13 0 |

THE ROYAL SOCIETY OF CANADA

| | | |
|------------|---|----------------|
| August 31— | To Wm. and David Robertson for amount of their account for sundry articles furnished by them and paid Mr. Dolson..... | £103 3 11 |
| Sept. 8— | To amount of Thomas Smith's acct., Tavern keeper, paid him..... | 5 10 6 |
| 10 " | amount of Wm. Surrell's account for sundries furnished by him..... | 58 7 6 |
| | To James May for sundries per acct. pd..... | 12 15 6 |
| 11 | To paid Wm. and David Robertson for hogshead porter..... | 18 0 0 |
| | Paid ditto amount of Wm. Scott's account..... | £17 7 0 35 7 0 |
| | | £233 4 5 |
| 1792. | | |
| Sept. 21— | By your draft on Messrs. Auldro & Co., at 31 days sight for..... | £200 0 0 |
| 24— | By Messrs. George Leith & Co. for balance..... | 33 4 5 |
| | N. Y. Currency..... | £233 4 5 |

In the expense account just given it will be noted that there is, on August 27th, a charge of seven shillings to cover the cost of one bottle of rum and one loaf for a messenger who was sent with a letter to Mr. Selby. This suggests the advisability of adding two short notes from Mr. Selby to Mr. Askim, written during the early days of the campaign. Mr. Selby resided in Essex. They refer to the voting in that county. It may well be that the messenger of the 27th was a hurry-up request near the close of the poll for the voters, whom Mr. Selby said he could "bring forward at a short notice." Or perhaps Roch, the messenger, carried a letter conveying the news that Mr. Smith had been elected.

Here we give the two Selby letters.

Mouth of Detroit River, Friday, 16th Aug., 1792

DEAR SIR:—

When I left Niagara I was requested by Mr. Smith to wait on you the moment of my arrival at Detroit, to assure you how sensible he is of the great obligation he owes to you and his other worthy friends who have so strenuously supported his interest in the present contest for a representative in the House of Assembly. Be assured, Sir, that I should have been extremely happy had circumstances permitted me to have made you a personal report of his sentiments on this occasion, but my late sickness rendered it necessary for me to get ashore as soon as possible.

Mr. Smith from the experiences, goodness and partiality of his friends, flatters himself with the hopes of success and he purposes in that event to make his acknowledgements in person as soon as his present

hurry of indispensible business is a little subsided: and, lest he should have omitted to make application to any of the electors, he gave me half a dozen addresses with blank superscriptions which I now beg leave to enclose to you for that purpose.

With every sentiment of regard
I have the honour to be,
Dear Sir,

Your most obedient
Humble servant,
D. SELBY.

John Askin, Esq.,
Detroit.

(MSS. Vol. 2, p. 63, Burton Library.)

Saturday, 17th August, 1792.

DEAR SIR:—

When I did myself the honour of writing to you yesterday I forgot to mention that in case Mr. Smith is likely to be hard run, I have some votes to bring forward at a short notice, but I would rather avoid their appearing unless it was absolutely necessary; of this you will be able to judge in sufficient time to send me information.

With my best compliments to all your good family,
I am, dear Sir,

Very faithfully,
Yours, &c.,

D. SELBY.

John Askin, Esq.,
Detroit.

(MSS. Vol. 2, p. 64, Burton Library)

From the letters we are able to form a very clear idea as to how elections were run in the earliest campaigns in Upper Canada, and from the accounts we learn that the entire expense had, of necessity, to be borne by the candidates—further, that the candidates did not depend for their elections on good wishes and prayers.

And now for a concluding note. Having read all the letters and the two accounts, must we not come to the conclusion that David William Smith was elected as member of the Legislature for the county of Essex (and Suffolk)?

The elections continued for a period of six to eight days. Smith's letter of 14th August was written prior to the holding of the election in Essex. When it reached Askin at Detroit, the election for Kent must already have been started and therefore I conclude that Francis Baby

had decided to stand for Kent along with Macomb and these two became the first representatives for that county, and that David William Smith stood for Essex and Suffolk, and thanks to John Askin and his liberal carrying out of the orders for free meals and drinks, and with the timely assistance of Selby's reserves, he headed the poll on the evening of the 27th or the 28th. The green and pink ribbons won.* The bon-fire no doubt was lit and a great carousal held about the hustings near the mouth of the River. The bills of the tavern keeper Smith, and of the traders were settled for promptly, but it was nearly two years before Sheriff Pollard had final settlement of his official account.

There is one other question yet to be answered—who went down to defeat against David William Smith?

*Green for the Irish and pink for the French?

